



EDMUND G. BROWN JR.
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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

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File: CW-803476

Sandra O'Neill
Office of Pesticide Programs
Regulatory Public Docket Center (28221T)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW.
Washington, DC 20460-0001
Sent via email to: oneill.sandra@epa.gov

Subject: Lithium Hypochlorite Registration Review, Proposed Interim Decision, Case # 3084
(Docket ID Number EPA-HQ-OPP-2013-0606)

Dear Ms. O'Neill:

The San Francisco Bay Regional Water Quality Control Board (Water Board) is responsible for restoring, maintaining, and protecting the beneficial uses of surface and ground waters in the San Francisco Bay Region. To protect waters within our jurisdiction, we issue federal NPDES permits to about 50 wastewater treatment systems and over 100 stormwater agencies. These permits require wastewater agencies to comply with effluent limitations to protect the beneficial uses of waters of the State. Stormwater agencies are required to take actions to prevent the discharge of pollutants, including pesticides, from their storm drain systems into waters of the State.

Beneficial uses of waters of the State can be threatened when pesticides are discharged from storm drains or treatment plants, neither of which can reliably treat for these pesticides. While there are benefits to this discharge being treated at treatment plants (e.g., lower pH and suspended solids), pesticides in the discharge can disrupt and kill the biological processes at the plants that are necessary to treat effluent to standards protective of receiving water quality. With approximately 1.2 million in-ground pools in California and 5 million pools nationwide¹ (most of which are privately owned), and the limited authority and resources of our wastewater agencies, product labeling is the most effective way to regulate these discharges.

We are pleased that U.S. EPA drafted "Directions for Use" label language for lithium hypochlorite to manage flows to sewer collection systems. The drafted language sets a standard for improved labeling that should be included for all pesticide products used in swimming pools, spas, hot tubs, and fountains to prevent potential acute aquatic impacts to surface waters during discharge. We also concur with the lithium hypochlorite comments submitted by the Bay Area

¹ P.K. Data, Inc. (2012). Phone conversation with staff member Joshua Darling, August 15.

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Clean Water Agencies (BACWA) and California Stormwater Quality Association (CASQA) and ask the U.S. EPA to include this label language for all other pesticide chemicals used in pools, hot tubs, spas, and fountains.

We Concur with the Risk Conclusions for Lithium Hypochlorite

The Proposed Interim Decision identifies a potential risk of acute exposure and harm to aquatic organisms from direct discharge of lithium hypochlorite into surface waters or storm drains. Additionally, it states that exposure can be prevented or minimized if appropriate disposal measures are taken. We agree with the U.S. EPA's conclusions on the potential acute exposure and harm of direct discharge to surface waters or storm drains. We also agree that discharge to wastewater treatment plants, with proper regulation, limits potentially harmful exposure to the environment.

We Support the Proposed Labeling as a Mitigation Measure

Labels may be the only source of information seen by users of the product, so label language that includes adequate mitigation directions during the draining of pools or spas is critical to protecting receiving water quality. If adopted, the "Directions for Use" label language in the Proposed Interim Decision would be groundbreaking; no other pool or spa pesticides product includes such disposal instructions, which would set a positive precedent for mitigating potentially harmful pool, hot tub, spa, and fountain drainages. Specifically, we fully support the following label language:

"Before draining a treated pool, spa, or hot tub, contact your local sanitary sewer and storm drain authorities and follow their discharge instructions. Do not discharge treated pool or spa water to any location that flows to a gutter or storm drain or natural water body unless discharge is approved by state and local authorities."

We appreciate the careful construction of this language. We recognize that jurisdictions across the country vary widely with their pool, hot tub, and spa drainage regulations and that the label language would be legally binding. Nonetheless, it is imperative that users are informed how to minimize the potential water quality risks of commercial and residential pool and spa discharges to sewer systems and storm drains. We strongly recommend that the U.S. EPA include this type of label language on all pesticide products used for pools, hot tubs, spas, and fountains.

The "Environmental Hazards" Label Section Should be Clarified

While there is currently no "Directions for Use" label language for lithium hypochlorite and pool and spa drainages, there is "Environmental Hazards" language on existing labels. We understand that pesticide labels have separate sections for both "Directions for Use" and "Environmental Hazards," and it is important that these two sections do not conflict with each other.

Currently, there are two different "Environmental Hazards" labels for lithium hypochlorite, depending on container size. The different labels could be confusing to residential users, particularly with the newly proposed "Directions for Use" language. Based on the U.S. EPA's Label Review Manual, it is assumed that only manufacturers and other users capable of

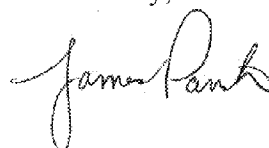
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triggering the definition of an NPDES point source are purchasing the larger product containers (equal to or greater than 5 gallons or 50 pounds). This may not always be true. We recommend that the labeling distinction be based on the product's intended use shown in the table below:

Existing "Environmental Hazards" Label Statements for Lithium Hypochlorite	Current Product Category	Recommended Product Category
"ENVIRONMENTAL HAZARDS: This pesticide is toxic to fish and aquatic organisms."	End-use products in containers of less than 5 gallons (liquid) or less than 50 pounds (solid, dry weight).	All end-use product labels - including commercial products - regardless of container size.
"ENVIRONMENTAL HAZARDS: This pesticide is toxic to fish and aquatic organisms. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA."	End-use products in containers of equal to or greater than 5 gallons (liquid) or equal to or greater than 50 pounds (solid, dry weight).	Only on technical grade and manufacturing use products.

Thank you for this opportunity to offer our input on the lithium hypochlorite registration review. We appreciate the important work the Office of Pesticide Programs does through the pesticide registration review process. Please contact me at james.parrish@waterboards.ca.gov or 510.622.2381 as needed.

Sincerely,



James Parrish
Environmental Scientist

cc: *via email:*

Jack Housenger, Director, U.S. EPA OPP (housenger.jack@epa.gov)

Tracy Perry, U.S. EPA OPP Pesticide Re-Evaluation Division (perry.tracy@epa.gov)

Rick P. Keigwin, Jr., Deputy Office Director for Programs, U.S. EPA OPP Pesticide Re-Evaluation Division (keigwin.richard@epa.gov)

Yu-Ting Guilaran, Director, U.S. EPA OPP Pesticide Re-Evaluation Division
(yu-ting.guilaran@epa.gov)

Michael Goodis, Associate Director, U.S. EPA OPP Pesticide Re-evaluation Division
(goodis.michael@epa.gov)

Kevin Costello, Branch Chief, EPA OPP Pesticide Re-evaluation Division
(costello.kevin@epa.gov)

Anita Pease, Acting Director, U.S. EPA OPP Environmental Fate and Effects Division
(pease.anita@epa.gov)

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Melissa Panger, Senior Advisor, U.S. EPA OPP Environmental Fate and Effects Division
(panger.melissa@epa.gov)
Tomas Torres, Director, Water Division, U.S. EPA Region 9 (torres.tomas@epa.gov)
Betsy Southerland, Director, U.S. EPA Office of Water, Office of Science and
Technology (southerland.elizabeth@epa.gov)
Andrew Sawyers, Director, U.S. EPA Office of Water, Office of Wastewater
Management Tomas Torres, Director, Water Division, U.S. EPA Region 9
(sawyers.andrew@epa.gov)
Debra Denton, U.S. EPA Region 9 (denton.debra@epamail.epa.gov)
Patti TenBrook, Life Scientist, U.S. EPA Region 9 (tenbrook.patti@epamail.epa.gov)
Jennifer Teerlink, California Department of Pesticide Regulation
(jennifer.teerlink@cdpr.ca.gov)
Nan Singhasemanon, California Department of Pesticide Regulation
(nsinghasemanon@cdpr.ca.gov)
George Farnsworth, Associate Director, California Department of Pesticide Regulation
(george.farnsworth@cdpr.ca.gov)
Kelly Moran, Urban Pesticide Pollution Prevention Partnership
(kmoran@tdcenvironmental.com)
Chris Hornback, Chief Technical Officer, National Association of Clean Water Agencies
(chornback@nacwa.org)
Cynthia Finley, Director, Regulatory Affairs, National Association of Clean Water
Agencies (cfinley@nacwa.org)
David Williams, Bay Area Clean Water Agencies (dwilliams@bacwa.org)
Lorien Fono, Bay Area Clean Water Agencies (lfono@bacwa.org)
Melody LaBella, Central Contra Costa Sanitary District (mlabella@centralsan.org)
Karin North, City of Palo Alto (karin.north@cityofpaloalto.org)
Dawit Tadesse, California State Water Resources Control Board
(dawit.tadesse@waterboards.ca.gov)
Noelle Patterson, California State Water Resources Control Board
(noelle.patterson@waterboards.ca.gov)
Stephanie Hughes, Consulting Engineer (steifehughes@yahoo.com)